

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

PETER ALBERTS

Plaintiff

v.

TRAVIS VAILLANT; RYDER
TRUCK RENTAL, LT; RYDER
TRUCK RENTAL, INC.

Defendants

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C.A. No. _____

JURY TRIAL DEMANDED

COMPLAINT

PARTIES

1. Plaintiff is a citizen of the Commonwealth of Virginia and resides in Mount Sidney, Virginia.

2. Defendant Vaillant is a citizen of the State of Rhode Island and resides in Woonsocket, Rhode Island.

3. Defendant Ryder Truck Rental, LT is a voluntary association and trust organized under the laws of the State of Delaware with a principal place of business in Boston, Massachusetts.

4. Defendant Ryder Truck Rental, Inc. is a corporation organized and existing under the laws of the State of Florida with a principal place of business in Miami, Florida.

GENERAL ALLEGATIONS

5. The allegations set forth in Paragraphs 1 through 4 above are incorporated herein as if set forth in full.

6. On or about October 16, 2015, Plaintiff was operating a motor vehicle on a public way in North Providence, Rhode Island, *i.e.*, Rt. 146.

7. At all times material hereto Plaintiff was in the exercise of due care.

8. At the time and place aforesaid, Plaintiff was slowing down to a stop for traffic.

9. At the time and place aforesaid, Defendant was operating a truck which he had rented from one or both of the Company Defendants.

10. Defendant operated his vehicle in a manner that caused it to strike the rear of Plaintiff's vehicle.

11. The nature of the accident as described in Paragraph 10, above, is specifically set forth in the report prepared by a member of the Rhode Island State Police who responded to the collision, a copy of which is annexed hereto as **Exhibit A** and incorporated herein by reference.

12. Defendant was under a duty to operate his vehicle in a manner that was reasonable under the circumstances for the protection and safety of other users of the public way, including Plaintiff.

COUNT I—NEGLIGENCE VAILLANT

13. The allegations set forth in Paragraphs 1 through 12 above are incorporated herein as if set forth again in full.

14. Defendant Vaillant breached the duty of care which he had to Plaintiff as more fully described above.

15. As a direct and proximate result of Defendant's breach as aforesaid, Plaintiff suffered grave and serious personal injuries which has required him to spend great sums to cure, relieve and attempt to rehabilitate him from the effects of same, a loss of earnings and earning capacity, and to suffer great pain and suffering all of which are compensable under applicable laws of the State of Rhode Island.

WHEREFORE, Plaintiff demands judgment against Defendants jointly and severally in an amount which exceeds the jurisdictional requirements of this Court.

COUNT II—VICARIOUS LIABILITY, THE COMPANY DEFENDANTS

16. The allegations set forth in paragraphs 1 through 15 above are incorporated herein as if set forth again in full.

17. As the owner of the registered vehicle which Defendant Vaillant was operating at the time of the collision complained of herein, one or more of the Company Defendants is liable to Plaintiff under applicable law for the injuries he sustained in the collision at issue as a consequence of Defendant Vaillant's negligent operation of the rental vehicle.

18. As a direct and proximate result of Defendant's breach as aforesaid, Plaintiff suffered grave and serious personal injuries which has required him to spend great sums to cure, relieve and attempt to rehabilitate him from the effects of same, a loss of earnings and earning capacity, and to suffer great pain and suffering all of which are compensable under applicable laws of the State of Rhode Island.

WHEREFORE, Plaintiff demands judgment against Defendants jointly and severally in an amount which exceeds the jurisdictional requirements of this Court.

PLAINTIFF,
By his attorney

/s/David J. Oliveira
DAVID J. OLIVEIRA, ESQ. (#2516)
155 South Main Street Suite 305
Providence, RI 02903
(401) 274-9191
(401) 274-9190 (Fax)
doliveira@djolaw.com
Date: 04/19/2018

Plaintiff hereby demands a trial by jury and designates David J. Oliveira, Esq. as trial counsel.